

## FUND DISTRIBUTION PROCESS

**Program:** Alaska Native Programs (TPA) -- ANCSA Historical Places and Cemetery Sites Program

**Type of Funding:** Recurring (Base)

**Funding Authority/Responsibility:** 25 U.S.C. 13 (The Snyder Act of November 2, 1921), 42 Stat. 208, Pub.L. 67-85; 90 Stat. 2233, Pub.L. 94-482; 25 U.S.C. 5108 et seq. (The Indian Reorganization Act of 1934), 48 Stat. 984, Pub.L. 73-383; Pub.L. 103-263; 25 U.S.C. 450 (The Indian Self-Determination and Education Assistance Act), 88 Stat. 2203, Pub.L. 93-638; Pub.L. 100-472; 102 Stat. 2285, Pub.L. 103-413. The Alaska Native Claims Settlement Act (ANCSA [Public Law 92-203]), which was passed into law by the United States Congress on December 18, 1971. Section 14(h)(1).

The Deputy Bureau Director, Office of Trust Services has responsibility for this funding.

**Criteria for Distribution:** The Alaska Native Claims Settlement Act (ANCSA [Public Law 92-203]), which was passed into law by the United States Congress on December 18, 1971. Section 14(h)(1) of the Act allowed newly-created Native Regional Corporations to receive a portion of their acreage entitlements in the form of historical places and cemetery sites. Statutory responsibilities imposed on the BIA by Section 14(h)(1) were the genesis of the BIA ANCSA Program, the primary purpose of which is to field investigate, report on and certify the selected sites. Virtually all of the ANCSA 14(h)(1) sites are incredibly remote and expensive to access (often requiring contract helicopters). For each site, the ANCSA Program is responsible for verifying the site's existence and physical location, documenting its history of Native use and cultural/historical significance, then evaluating the collected data and certifying the site eligible or ineligible in accordance with the ANCSA Section 14(h)(1) eligibility criteria. These responsibilities are described in the ANCSA 14(h)(1) implementation regulations (43 CFR 2653).

An estimated 600 of the original ANCSA 14(h)(1) claims are still pending final land conveyance decisions by the Department of the Interior (DOI); and Section 3002(d) of the 2015 Levin-McKeon National Defense Authorization Act (NDAA [Public Law 113-291]) authorized Sealaska Corporation to file 76 "new" ANCSA 14(h)(1) claims. ANCSA 14(h)(1) land conveyance decisions flow directly from BIA ANCSA certifications, and all such decisions are subject to legal appeal. Section 14(h)(1) claims are only a small portion of the overall body of land claims filed by Alaska Natives pursuant to the ANCSA legislation, and many of those other claims have had priority over historical places and cemetery sites in the DOI's ANCSA land conveyance process.

About 60% of the program's funding is transferred to tribal self-governance compact agreements. The criteria used for determining funding distributions, tribe-by-tribe, was the number of ANCSA 14(h)(1) claims that identified lands within the respective tribal service areas. Forty percent of ANCSA program funding goes to the Alaska Regional Office for contract tribes.

**History:** All lines were consolidated into one line. ANCSA received 60%, 40% to ANILCA; broken down to 75% to Allotments and 25% to Subsistence. Subsistence was based upon population and tribes. Allotments were based on number of parcels. Current funding is based on the historical amounts determined through this process.

**Distribution Process:***Base funding:*

- Upon apportionment, Indian Affairs OBPM transmits TPA Recurring Base funds to the Alaska Region or to the Office of Self Governance (OSG) for distribution to the agency and tribal level. (within 5 days of apportionment)

*Non Base funding:*

- Upon apportionment, OBPM moves Non-base funding to the Office of Trust Services. (within 5 days)
- OTS Division Chief, Program Management prepares Fund Execution Documents (FEDs) and obtains signatures and sends the OSG FED to OSG for approval and submits the Regional FED to OBPM. (within 5 days)
- OBPM processes funds to the Alaska Region (within 3 days)

**Regional Processing:**

- Indian Self Determination (ISD) Awarding Official negotiates terms, conditions of award, including payments. They calculate Contract Support Costs and prepare contract award/modifications in PRISM. (within 5 days)
- The ISD Awarding Official prints and mails the award/modification to tribe for review and acceptance. (within 5 days)
- Tribal elected official approves award/modification and returns the documentation to the Region/Agency.
- The ISD Awarding Official executes the award/modification and releases the obligation in PRISM. PRISM interfaces with ASAP and funds are available to tribes. (within 5 days of receipt of signed document)

**OSG Processing:**

- Once both OSG and OBPM are in agreement with the distribution list, the FED document is processed to OSG for fund distribution. (within 3 business days.)
- OSG will process the FED, subsequent PR, and obligate funding. (within 7 business days.)

Tribes log into ASAP to draw funds into their account.